



# **Summary of Comments** *on the* **Draft Land-Based Wind Energy** **Guidelines**

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**David Cottingham**  
U.S. Fish and Wildlife Service



# General Overview

- Service received ~ 30,000 comments
- This summary is not all-inclusive
- Phrases used are those of commenters, not the Service
- For any given topic, comments included full spectrum of stakeholder concerns

# FAC Recommendations

- Adopt FAC recommendations in full
- Adopt FAC recommendations as much as possible
- Explain reasons behind differences in FAC recommendations and draft Guidelines
- Keep the draft guidelines

# “Assurances”

- Deviation from FAC language negates assurances
- Assurances needed to ensure voluntary use
- Requirements to gain assurances too onerous
- Impossible to avoid take and to obtain an incidental take permit under MBTA
- Assurances should not be provided for voluntary adherence to Guidelines

# Mandatory vs. Voluntary

- Guidelines should remain voluntary
- Guidelines should be made mandatory
- As presently written, Guidelines are mandatory de facto
- Service lacks regulatory authority to require compliance
- Wherever a federal nexus exists, lead federal agency needs to work with project proponents to integrate Guidelines

# FWS Role

- In Project Planning
  - Intense coordination with the Service should be limited to projects with high risk
  - Guidelines should be developer driven
  - Service, or oversight organization, should be involved in decision making at certain steps
  - Service should be involved at every step/tier
  - Service should develop timelines as to when it will respond to developers
- With Respect to Staffing and Resource Needs
  - Service lacks resources to respond to developers' concerns in a timely manner
  - Service staff will need time to be trained

# FWS Role

- In Data Collection
  - Developers should maintain own records and collect own data
  - Service should be responsible for data collection and processing
- Regarding a Cohesive Agency Approach to Wind Development
  - DOI should revoke all prior related documents
    - Superseded by new stand alone document
  - Service must ensure consistency and clarity in applying Guidelines

# Methods and Metrics

- Guidelines must incorporate standardized surveys and protocols
- Methods and metrics should be maintained in document and not on website
- Greater detail/information should be included in methods and metrics section
- Adopt FAC's version of Methods and Metrics



# Phase-in (on-ramps)

- Projects should not be expected to go back to any tier already passed by
- Phase-in language needs clarification
  - **how and when will projects already planned and operating apply Guidelines**
  - **at what tier will they start**
- Guidelines should be finalized and implemented as soon as possible
- Immediate effective date creates uncertainty in costs and risks to projects since, in all likelihood, advanced staged projects will be out of compliance with Guidelines
- Adopt FAC proposal for phase-ins

# Scope of Species Covered

- Guidelines unreasonably propose broader scope for research and mitigation efforts than is envisioned in FAC recommendations (i.e. species of concern)
- Scope and magnitude of draft Guidelines is out of proportion to impacts of wind energy on wildlife
- Guideline's scope should include effects to local populations and species as a whole
- Guidelines switch between addressing all species to focusing on birds and bats; clarify what species, and effects to such species, are to be considered

# Monitoring

- Low level monitoring should be continued indefinitely, even after post-construction monitoring has been completed
- Monitoring should be required and not a rare occurrence
- Monitoring must be based on best available science
- Monitoring requirements should be risk-based and site-specific as recommended by FAC

# Cumulative Impacts

- Adopt FAC wording regarding cumulative impacts
- Cumulative impact assessments should be required
- Cumulative impacts are important and should be afforded more attention
- Cumulative impact assessments are costly, resource intensive, and often do not yield information that would change project determinations

# Community Scale Wind

- Guidelines should apply to all turbines
- Small-scale projects (<1MW) should be excluded
- Application of Guidelines to small projects will prevent development

# Eagles

- Service should explain how WEG and ECPG relate to one another
- ECPG is too stringent or scientifically unsupported
- ECPG not stringent enough
- Guidelines do not take into account the benefits of wind energy for eagles

# Conflict Resolution

- Service's chain of command should be used to resolve disputes
- Use Service's chain of command with specified point persons identified in Guidelines for consistency
- All stakeholders should be involved in conflict resolution
- 'Wind guru' should be appointed for conflict resolution matters

# Coordination

- Maintain state coordination section from FAC recommendations
- Conflicts with existing state guidelines must be addressed
- Guidelines should emphasize need to coordinate with stakeholders
- Differentiate between coordination requirements on public and private land



# Sound Impacts

- Noise impact evaluations should be required
  - If noise impact evaluations are required, criteria must be established and clarified
- Noise impact evaluations should not be required and/or moved to the research tier
- Singling out the relative impact of noise, as opposed to other factors, including avoidance of tall structures, is impossible

# Native American Involvement

- Guidelines fail to provide information or guidance as to how Service will accept tribal input regarding BGEPA programmatic eagle take permits

# Audience

- Audience for Guidelines should be developers
- Guidelines should clearly state intended audience

# Legal Authority

- Service has overreached its legal authority to require compensation for non-statutorily protected species or to veto projects
- Service must adhere to its existing legal authorities
- Guidelines are inconsistent with existing authorities (i.e. states)
- Guidelines should distinguish between requirements of laws that provide for ITPs and apply to harm through habitat alteration (e.g., ESA), and those with criminal penalties for intentional take (e.g., MBTA)